

88 (d) causes disruption, jamming, or overload of an electronic communication system
89 through excessive message traffic or other means utilizing an electronic communication device.

90 (3) A person is guilty of electronic communication harassment if the person:

91 (a) electronically publishes, posts, or otherwise discloses personal identifying
92 information of another individual in a public online site or forum with the intent to abuse,
93 threaten, or disrupt the other individual's electronic communication and without the other
94 individual's permission; or

95 (b) sends a communication by electronic mail, instant message, or other similar means,
96 if:

97 (i) the communication references personal identifying information of another
98 individual;

99 (ii) the person sends the communication:

100 (A) without the individual's consent; and

101 (B) with the intent to cause a recipient of the communication to reasonably believe that
102 the individual authorized or sent the communication; and

103 (iii) with the intent to:

104 (A) cause an individual physical, emotional, or economic injury or damage; or

105 (B) defraud an individual.

106 (4) A person is guilty of electronic communication harassment if:

107 (a) the person:

108 (i) is an adult;

109 (ii) electronically publishes, posts, or otherwise discloses in a public online site or
110 forum personal identifying information of a minor who is unrelated by blood, marriage, or
111 adoption to the person; and

112 (iii) ~~H→ [knows that performing]~~ knows of, but consciously disregards, a substantial and
112a unjustifiable risk that performing ~~←H~~ the action described in Subsection (4)(a)(ii) H→ [is
112b reasonably

113 likely to] will ~~←H~~ result in the minor being the victim of an offense described in Title 76, Chapter 5,
114 Offenses Against the Individual; and

115 (b) the minor described in Subsection (4)(a)(ii) is aware of the person's action
116 described in Subsection (4)(a)(ii).

117 [(4)] (5) (a) [Electronic communication harassment] Except as provided in Subsection
118 (5)(b), a violation of Subsection (2) or (3) is a class B misdemeanor.

181 (8) "Minor" means an individual who is under 18 years old that:

182 (a) has not been emancipated as that term is defined in Section 80-7-102; or

183 (b) has not been married.

184 (9) "Parent" includes a legal guardian.

185 (10) "Push notification" means an automatic electronic message displayed on an
 186 account holder's device, when the user interface for the social media service is not actively
 187 open or visible on the device, that prompts the account holder to repeatedly check and engage
 188 with the social media service.

189 (11) "Resident" means the same as that term is defined in Section 53-3-102.

190 (12) "Social media company" means an entity that owns or operates a social media
 191 service.

192 (13) (a) "Social media service" means a public website or application that ~~§~~ **→ [includes as**
 193 **substantial functions]** ~~←§~~ :

194 (i) ~~§~~ **→ [displaying] displays** ~~←§~~ content that is primarily ~~§~~ **→ [user-generated] generated**
 194a **by account holders** ~~←§~~ and not ~~§~~ **→ [produced]** ~~←§~~ by the social
 195 media company;

196 (ii) ~~§~~ **→ [permitting] permits** ~~←§~~ an individual to register as an account holder ~~§~~ **→ [**
 196a **establish an account, or]** and ~~←§~~
 197 create a profile that is made visible to the general public or a set of other users defined by the
 198 account holder;

199 (iii) ~~§~~ **→ [connecting] connects** ~~←§~~ account holders to allow ~~§~~ **→ users to interact socially**
 199a **with each other** ~~←§~~ ~~§~~ **→ [social interaction]** ~~←§~~ within the website or
 200 application; ~~§~~ **→ [and]** ~~←§~~

201 (iv) ~~§~~ **→ makes available to each account holder a list or lists of other account holders**
 201a **with whom the account holder shares a connection within the system; and**

201b (v) ~~←§~~ ~~§~~ **→ [allowing] allows** ~~←§~~ account holders to post content viewable by other users.

202 (b) "Social media service" does not include:

203 (i) email;

204 (ii) cloud storage; or

205 (iii) document viewing, sharing, or collaboration services.

206 (14) "User" means an individual who accesses or uses an algorithmically curated social
 207 media service.

208 (15) (a) "Utah account holder" means a person who is a Utah resident and an account
 209 holder.

210 (b) "Utah account holder" includes a Utah minor account holder.

211 (16) "Utah minor account holder" means a Utah account holder who is a minor.

243 cause of action against a social media company in court for an adverse mental health outcome
244 arising, in whole or in part, from the minor's excessive use of the social media company's
245 algorithmically curated social media service.

246 (2) To recover damages in a cause of action brought under this section, a person
247 bringing the cause ~~§~~→ of ←~~§~~ action must demonstrate:

248 (a) that the Utah minor account holder has been diagnosed by a licensed mental health
249 care provider with an adverse mental health outcome; and

250 (b) that the adverse mental health outcome was caused by the Utah minor account
251 holder's excessive use of an algorithmically curated social media service.

252 (3) Except as provided in Subsection (4), a person who brings an action described in
253 Subsection (1), is entitled to a rebuttable presumption that:

254 (a) the Utah minor account holder's adverse mental health outcome was caused, in
255 whole or in part, by the Utah minor account holder's excessive use of the algorithmically
256 curated social media service; and

257 (b) the Utah minor account holder's excessive use of the algorithmically curated social
258 media service was caused, in whole or in part, by the algorithmically curated social media
259 service's curation algorithm and engagement driven design elements.

260 (4) A social media company that complies with the provisions of Section 78B-11-1104
261 is entitled to a rebuttable presumption that:

262 (a) the Utah minor account holder's adverse mental health outcome was not caused, in
263 whole or in part, by the Utah minor account holder's excessive use of the algorithmically
264 curated social media service; and

265 (b) the Utah minor account holder's excessive use of the algorithmically curated social
266 media service was not caused, in whole or in part, by the algorithmically curated social media
267 service's curation algorithm and engagement driven design elements.

268 (5) If a court or fact finder finds that a Utah minor account holder suffered any adverse
269 mental health outcome as a result of the Utah minor account holder's use of a social media
270 company's algorithmically curated social media service, the person seeking relief is entitled to:

271 (a) an award of reasonable attorney fees and court costs; and

272 (b) an amount equal to the greater of:

273 (i) \$10,000 for each adverse mental health outcome incidence; or